

ALTOONA CITY COUNCIL MEETING MINUTES
WEDNESDAY – JULY 10, 2019 – 7:00 P.M.
CITY OF ALTOONA TRAINING FACILITY & COUNCIL CHAMBERS
1320 WASHINGTON AVENUE, ALTOONA, PA

The Meeting was televised live on cable Public Access Channel 14 and re-broadcast Thursday, July 11, 2019.

CALL TO ORDER – by Mayor Pacifico at 7:00 PM in Council Chambers

SILENT MEDITATION

PLEDGE OF ALLEGIANCE

ROLL CALL – taken by City Clerk Linda Rickens Schellhammer

Present: Council members Butterbaugh (via phone), Cacciotti, Cagle, Jordan, Kelley, Neugebauer and Mayor Pacifico

PRESENTATIONS – the Community Development 2018 Annual Report was presented by Department Director, Lee Slusser.

Mayor Pacifico announced that an Executive Session was held regarding potential litigation

Mayor Pacifico stated he was nominating Barbara Kooman to the vacancy on the Altoona Water Authority Board

ALL PUBLIC COMMENT – William Bartley of 1532 N. 6th Avenue stated Codes required his daughter to paint her house in 5th Ward and that there are buildings in worse shape downtown; Mr. Bartley stated the City Property Maintenance Code states you cannot sell or rent a building that is in disrepair; Mr. Bartley stated the City isn't following the rules and he feels it is discrimination

Lloyd Peck of 2000 Pleasant Valley Boulevard asked Council for their support regarding the Garden Heights Memorial resolution

Jim McAleer of 2802 Ivyside Drive stated a parent recently purchased a home for his son who is a college student at Penn State Altoona; also there are two college rentals in the neighborhood and two other rentals, as well as two families and two seniors who own their homes; the home at 511 E. Fairview is no longer a rental but it is still on the rental list and needs to be removed

Kerry Pierce of 2400 Broad Avenue addressed comments made by Councilman Butterbaugh at a former Meeting regarding decals on City vehicles; Ms. Pierce asked that everybody be included and that people's opinions not be dismissed

Ken Matthews of 812 S. 8th Street asked about his streetlight that has been out for five months; DPW Director Nate Kissel stated Penelec has to fix the problem before it can be re-connected by the City

Bob Goss of Wise Guys Pizza, 1211 11th Street, commented on the mural on the side of his building and that the prior two business in his location did not succeed due to the location, which is considered a rear-view mirror business; Mr. Goss stated he is trying to catch attention and attract customers; Mr. Goss stated there are other businesses in town with murals within a four-block radius of his business and that it is what inspired the idea; Mr. Goss stated the other murals are still intact and he feels that he is being targeted; ICM Peter Marshall stated it was considered art until the word PIZZA and the arrow were added; Mr. Goss stated the word and arrow are part of the rest of the mural which will consist of an old street scene from New York City with the old-fashioned blinking pizza sign made with an arrow; Mr. Goss stated he will finish the mural once he raises more money

Dr. Matthew Stachmus of 908 27th Avenue presented a petition to City Council signed by Altoona residents in regards to the national motto decals; there is also an online petition

Vonnie Johnson of 898 Race Street stated digging by People's Gas and the Altoona Water Authority has been taking place since April; Ms. Johnson stated streets and alleys all around Race Street were paved but not Race Street; DPW Director Nate Kissell stated gas, by mandate, and water were replacing very old lines and Race Street will be paved by the contractor hired by the City in approximately one month

Ron Johnston of 39th Street and West Chestnut Avenue lived in the neighborhood for 32 years and stated run-off of water in the neighborhood is terrible and the sump-pump is working overtime; there are sandbags in the neighborhood; Mr. Johnston thanked Mayor Pacifico and Councilman Butterbaugh and stated he knows that something is going to be done but he would like to see something done sooner rather than later

Bill Wilkinson, co-founder of PA Roundhouse Rally thanked the City for their support and especially APD and AFD, stating PA Roundhouse Rally is a non-profit organization and they want to help the City and downtown as much as they can; Mr. Wilkinson stated the event took place for two years in downtown Altoona with no arrests.

Steve Ellfelt of 116 Spruce Avenue stated the City of Altoona is a great and unique motto and the national motto is not needed; Mr. Ellfelt stated there is a religious agenda and this gift of In God We Trust decals is not about a gift, it is a mission to get religion into government, even though the courts removed it

RESOLUTIONS

a)approving the minutes of the Altoona City Council Meeting held Wednesday, June 12, 2019. (0059-19)

b)awarding the City Hall Parking Lot Improvements Project to RT Contracting, Inc. of 3430 Rte. 764, Duncansville, PA 16635, in the amount of \$117,272.47, payable from the Capital Budget, and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0060-19)

c)approving the application to DCED for a Multimodal Transportation Fund Grant for Gateway Corridor Enhancement, for 3,500 feet of curb and sidewalk replacement along Beale Avenue from 24th Street to Margaret Avenue, in the amount of \$1,449,306.25, with \$1,014,514.38 payable from the grant and \$434,791.87 payable from the 2020 Capital Budget, and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0061-19)

d)rejecting the bid submitted by Ventura Construction Services, Inc. for the 13th Street Pedestrian Bridge Rehabilitation Project, and further that the bid security submitted with the bid be returned. (0062-19)

e)amending the 2018 Community Development Block Grant Program (CDBG) to amend the Get Out Alive Program service areas from the low/moderate income areas to operating the program on a Citywide basis. (0063-19)

f)amending the 2018 Community Development Block Grant Program (CDBG) transferring \$6,813.13 from the additional program income received during the 2018 CDBG Program Year, that was not budgeted for, to create a 2018 Park Facilities Improvement Project (Veterans Memorial Field). (0064-19)

g)approving a license agreement between the City of Altoona and the Blair County War Veterans Council for Garden Heights Veterans Memorial and further authorizing the City Manager to execute all documents and the City Clerk to attest to same. (0065-19)

h)approving the request of the Altoona Area School District for a waiver of real estate tax on their property addressed as 1224 6th Avenue, Altoona, PA for the year 2019 and future years. (0066-19)

i)approving a Repository Bid in the amount of \$700.00 submitted by Carysfort Reef, LLC of 301 Thelma Drive #520, Casper, Wyoming 82609 for property located at 1125-27 18th Avenue, Altoona, PA 16601, and further authorizing the City Manager to execute the Taxing District Form. (0067-19)

j)approving a Repository Bid in the amount of \$600.00 submitted by Carysfort Reef, LLC of 301 Thelma Drive #520, Casper, Wyoming 82609 for property located at 2202-2204 10th Avenue, Altoona, PA 16601, and further authorizing the City Manager to execute the Taxing District Form. (0068-19)

k)denying a Repository Bid submitted by Walter Hyde of 514 Bear Valley Avenue, Shamokin, PA 17872, for property located at 1420 Washington Avenue, Altoona, PA 16601, and further authorizing the City Manager to execute the Taxing District form. (0069-19)

l)approving a Repository Bid in the amount of \$100.00 submitted by Amy Green of 310 Pine Avenue, Altoona, PA 16601, for property located at 303 Lexington Avenue, Altoona, PA 16601, and further authorizing the City Manager to execute the Taxing District Form. (0070-19)

m)approving a Repository Bid in the amount of \$250.00 submitted by Merle Rightenour of 1011 20th Street, Altoona, PA 16601, for property located at 1009 20th Street, Altoona, PA 16601, and further authorizing the City Manager to execute the Taxing District Form. (0071-19)

n)approving the creation of the Equipment Replacement Fund Program and authorizing the transfer of \$5,776,277.00 from the City's unassigned fund balance to the Equipment Replacement Fund to equal the total accumulated depreciation identified on the attached Vehicle/Equipment Depreciation Schedule and further authorizing the City Manager and Finance Director to begin budgeting annual Equipment Depreciation in the 2020 operating budget and to begin the purchase of replacement vehicles/equipment from the Equipment Replacement Fund in 2020. (0072-19)

o)approving the establishment of a Contingency Reserve Fund at a 17% level (two months operating expenses) to offset costs in a disaster and a Grant Reserve Fund as the City's match for grants that become available. (0073-19)

p)accepting the offer of Dr. Matthew Stachmus to donate decals for placement on City vehicles, at no cost to the City. (0074-19)

q)awarding the Veteran's Memorial Field and Jefferson Park Resurfacing Project Bid to Ventura Construction Services, Inc., 800 N. 3rd Avenue, Altoona, PA 16601, in the amount of \$53,889.00, payable from CDBG Funds, and further authorizing the City Manager to execute all documents and the City clerk to attest to same. (0075-10)

r)appointing Barbara Kooman of 404 Crosswinds Court, Altoona, PA, to the Altoona Water Authority to fill the unexpired term of Marla Marcinko. Said term shall expire the first Monday of January 2021. (0076-19)

City Clerk Linda Rickens Schellhammer read the resolutions into the record; items i, j and p were pulled for separate vote; a consent vote was taken on resolutions a through q and excluded i, j, and p and passed 7 to 0 with all present

a separate vote was taken by the City Clerk on item i and passed 5 to 2;

Councilman Butterbaugh voted no; Councilwoman Jordan voted no

a separate vote was taken by the City Clerk on item j and passed 5 to 2;
Councilman Butterbaugh voted no; Councilwoman Jordan voted no

Prior to the vote Mayor Pacifico commented as follows:

"I believe in God. I am Christian. I believe in making disciples. I believe in helping others. I believe we should all be doing acts of love and good work. I also believe our Country was founded on Christian principles and I believe we should be able to display the Ten Commandments in public buildings. I also think that we as stewards of City government need to draw the line when we are presented with requests such as this. I am voting no for two reasons. First, I do not think we should allow individual citizens to come in and make requests that dictate what we do with City property. Allowing this to be displayed on City vehicles will likely open this up for other people asking for decals to be placed. If we accommodate one we have to accommodate everyone. Second, the potential legal challenges this opens us up to. Even if we survive a challenge, we still have legal fees in defending it. If we lose in federal court, we also have to pay the other sides legal fees. I believe in the motto being displayed here, in Council Chambers, because this is where we conduct government business. I support the motto being displayed in courthouses, state capitols, and other public buildings, and I would support a challenge if it ever came to the plaque that is displayed right here in Council Chambers. Because of our responsibility to make decisions that are in the best interests for everyone in Altoona, I will be voting no."

ICM Peter Marshall stated for the record and for the reasons already previously provided to City Council, that he opposes this proposal.

a separate vote was taken by the City Clerk on item p and passed 5 to 2;
Councilman Neugebauer voted no; Mayor Pacifico voted no

The Mayor made the nomination of Barbara Kooman's appointment to the Altoona Water Authority; the City Clerk called the roll for a vote which passed 7 to 0

ORDINANCES

Introduction

1)AN ORDINANCE AMENDING THE CODE OF THE CITY OF ALTOONA TO AMEND CHAPTER 647, ENTITLED "LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE" (LERTA), TO EXTEND THE DATE OF TERMINATION IN SECTIONS 647-6 AND 647-10 FOR AN ADDITIONAL FIVE YEARS; REAFFIRM CHAPTER 647 AS AMENDED; PROVIDE SEVERABILITY AND REPEAL PROVISIONS; AND PROVIDE AN EFFECTIVE DATE. (TABLED)

This ordinance was tabled at this time until more information is received regarding expansion of the zone

MAYOR & COUNCIL DISCUSSION ITEMS AND ANNOUNCEMENTS

Councilman Cagle commented on the gift of Dr. Stachmus by thanking everyone for coming out and sharing their viewpoints. Councilman Cagle wanted to make it clear that in his opinion Council did not feel coerced in any way to vote for this gift because of the manner in which Dr. Stachmus addressed City Council. As Dr. Stachmus stated he was passionate about what he believes in. Councilman Cagle stated the way Dr. Stachmus addressed Council at the last Council Meeting probably made this vote a little more difficult. Sometimes as a community, we may tend to attack those who we are in agreement with and make it more difficult to come to a consensus. Council really thought about this. Council voted in the affirmative because it is a good thing to do and Council believes in the national motto.

Councilman Butterbaugh responded in regards to Mr. Johnston's comments, commending staff and also the neighbors of the 39th street area for their patience. Councilman Butterbaugh stated he visited the area recently for the third time and realizes it seems like a long time but feels it is coming down to solving the problems and coming to the end of the tunnel.

Councilman Butterbaugh stated correspondence was received by some regarding the decals/national motto. Councilman Butterbaugh stated that some of the mail insinuated that only certain people would be represented if they agreed or disagreed, and this was the only thing that he took exception to. Councilman Butterbaugh stated he would help anyone with a problem no matter what.

Councilwoman Jordan stated she wanted to address individuals who stated to her in private and public on social media the national motto and how she was personally going to vote stating her faith is Christian and that did not sway why she chose to vote yes. It was more or less that this is the national motto and it is something that she supports and it does not question her patriotism to her Country. Councilwoman Jordan stated it did not discount anybody being excluded or representing or being inclusive in our City. Some of the debates online and in private were what is the God that you serve. Everybody has come to her with who they think is God, and that is their personal opinion and who they choose to worship. Councilwoman Jordan stated she did not think their yes votes exclude anyone in the community. Councilwoman Jordan agreed with Councilman Butterbaugh in saying when a person or group comes to City Council with an issue, it is addressed without the consideration of the person's or the groups religious belief or political affiliation. Councilwoman Jordan stated she and Council are civil servants there to help and serve the people.

MEDIA – media attendance included Bill Kibler, *Altoona Mirror*

ADJOURNMENT – by Mayor Pacifico at 8:49 p.m.